87-325

Supreme Court, U.S.
FILED
JUL 29 1987
JOSEPH F. SPANIOL, JR.
CLERK

NO.

THE SUPREME COURT OF THE UNITED STATES

WINSLOWET-ALPS,
PETITIONER-APPELLANT,

-VS-

EDMONSTONE,
ET AL. ETC.,

PETITION FOR A WRIT OF CERTIORARI TO THE U.S. COURT OF APPEALS-2ND FROM THE U. S. SUPREME COURT

ALDIN P. WINSLOWET-ALPS, PRO SE
P.O. Box 613
ARMONK, NEW YORK 10504
(914) 279-3078

NOTE: STAMPED BY COURT JULY 29, 1987

QUESTIONS PRESENTED

1. Does Ark. v. van Dentor and Ruiz, U.S.D.C. Docket Number 82-376 (P8), Little Rock justify, out of prejudice and weakness, the admission of evidence at this level?

2. Whether detention and indoctrination violate both my religious rights under the First Amendment?

3. Does constant observation and hashing over of record constitute illegal search and seizure under the Fourth Amendment?

4. Does the Fifth Amendment in the sense of due process prohibit indiscriminate and sloppy incompetent injections and other equivalent manipulations?

5. Is being isolated, in seclusion, a violation of the Ninth Amendment?

6. Were the requirements of the Fifteenth Amendment satisfied in sense of proving beyond reasonable doubt, for detention under 15 day emergency certificate and everything else?

TABLE OF CONTENTS

		PAGE
1.	PETITION FOR WRIT OF CERTIORARI	1
2.	CONCISE STATEMENT OF CASE	4
3.	VERBATIM FROM CONSTITUTION AND DECLARATION OF INDEPENDENCE	6
4.	GEORGE HARRIS	7
5.	DISTRICT COURT DECISIONS	13
6.	vs PATRICK LEE et al.	14
7.	USCA - 2ND DECISIONS	16-22

TABLE OF AUTHORITIES
Cases

		Page
1.	Ark. v. van Dentor and Ruiz, U.S. 82-376	2
2.	Rules of the Supreme Court of the United States (Official, and Officially)	

PETITION FOR WRIT OF CERTIORARI

This Petition for a Writ of Certiorari is based, in form, on Rule 21 of Rules of Procedure of the Supreme Court of the United States.

The problems presented for review are as follows:

1. The Plaintiff argues for the late admissibility of evidence, based upon the contents of Arkansas, Department of Corrections v. Ruiz and van Dentor. If there is cause for the mistake of tardiness, and actual prejudice, which there obviously is, towards the case by the omissions, then the situation should be properly rectified. A complex sleeping deviation probably exists.

2. The Judge opposite Judge Blumenfeld at oral argument, USCA, stated, at least essentially, "We don't like to decide Constitutional cases." This seems to add to the procedural deviations of the

USCA/USDC and earlier USDC suggesting that they have departed from the accepted and usual course of judicial procedure.

3. A federal Court of Appeals has decided an important question of Federal Law which has not been as far as I know, but should be, decided by this court or has decided a federal question...

The defendant has violated, and is responsible for the violation caused by others. My rights under amendments I, IV, V, IX and XIV were violated and this has caused damage. In addition to the damage we contend that they are responsible for the wasting of 25 years of my life. He upheld the wasting by others.

My religious rights, and thereby the sanctity of my individual conscience in both senses of the first amendment have been been blocked from the free practice of my religion by virtue of being locked up, without just cause. I am a Yale

educated Biologist (B.S.) trying to reallign, in sort of a natural pantheistic state, at present. Most psychiatrists really know little about God and less about animals. In the other sense, they are forcing, physically and intellectually, a medical religion upon me. Their psyche is mens. They want good brain function and it doesn't matter if it is forced down the person's throat by a whore of their choice.

Violations under Amendment IV: There was illegal search and seizure; I was not a resident of Connecticut when the Waterford cop pushed and took me to the place where Edmonstone supposedly worked, Lawrence and Memorial Hospital in New London, Connecticut. The certificate signed by Mr. George Harris further corroborates the illegalities involved in this detention ploy. There were illegal experimental

procedures by unqualified personnel that Justice Jackson might have found to be "clear and undeniable" evidence of search and seizure to the point of moral turpitude, morally and physically.

Amendment IX: The Constitution enumerates a minimal level of rights. For 25 years, even these have been denied and Edmonstone's conscious or unconscious (ABILITY TO WORK) assumption of responsibility allocates to him responsibility for these violations. He certified me after I had gotten a clean bill of health. 2) It seems to be a psychiatric principle to create a greater disease than the last psychiatrist, then incorporation and cure. However, with all these gutter rats (and I apologize to the court for this term, but is is the best I know) it is an additive expodential and malignant process. Where is consent of the governed, trial by jury,

crime and punishment and denial of habeas corpus.

These are the questions and the ways in which inalienable rights, have been denied, maliciously and on whims.

CONCISE STATEMENT OF CASE

While committed to a New York State Hospital (approximately 1965) the state appointed two "lawyers" for the state supreme court hearings. Both were duds or they had been bought.

Governmental facilities have thrice been overturned in commital proceedings. The Hon. Helen Friedman NY ruled against Metropolitan Hospital. Twice Judge Milaro ruled against the Connecticut Valley Hospital and threw the cull out of court. So they went to a different judge, presumably getting him drunk to get the last word again. The just resolution to the question of forced intervention into my life, and the ensuing trash which follows, has never been had. It is only now that I feel prepared to petition for compensatory damages, pro se, to state a valid cause of action and petition for just relief in

the sum of FIVE HUNDRED THOUSAND DOLLARS, $500,000 (US $'s). I contend that William Edmonstone of Lawrence and Memorial Hospital in Mystic, CT., a man who claims to practice medicine, has assumed responsibility for the moral turpitude and annoyances, and the ensuing damages resulting from psychiatrists in four states in violation of several Bill of Rights Amendments. Further, the Judge who sat opposite Judge Blumenfeld said something to the effect that they didn't like to handle constitutional issues (USCA - 2nd).

The ideas relevant to this position for a writ of Certiorari comprise the bulk of this presentation.

Aldin Winslow
P.O. Box 613
Armonk, NY 10504

The Plaintiff-Appellant, in summary petitions for a Writ of Certiorari for all the records of the United States

District Court of Hartford and the United States Court of Appeals for the 2nd Circuit in the matter of Winslowet-Alps vs. Edmonstone and Kerr for Lawrence and Memorial Hospital.

VERBATIM FROM CONSTITUTION AND DECLARATION OF INDEPENDENCE

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof...First Amendment.

The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated..... Fourth Amendment.

We hold these truths to be self evident, that all men are created equal, that they are endowed by their creator with certain inalienable rights, among these be life, liberty and the pursuit of happiness. Declaration of Independence.

UNITED STATES COURTS

ALDIN WINSLOWET-ALPS

vs

WILLIAM EDMONSTONE AND L & M HOSPITAL & E.R. (STAFF)

of AFFIDAVIT effectively

I, George Harris, father of Aldin Winslowet-Alps, (Aldin Winslow), do certify the following to be true under penalty of perjury.

With respect to a telephone conversation on September 9, 1985, with one William Edmonstone of Lawrence and Memorial Hospital, New London, CT, I attest to three or ( ) four things related to my son's illegal dentention there. Based upon the following exchanges between me and William Edmonstone and any others who may or may not have messed with the record or hypodermic

syringes, I depose and state that:

*1. Dr. Edmonstone claimed to me that Aldin didn't have any shoes at the time.

2. Edmonstone told me, George Harris, that without the father's consent for Elmcrest, it would be Norwich.

3. I didn't speak personally with my son, either over the telephone, then, or during the ensuing hours.

4. I was ( ), was not ( ) aware that Winslow had tried to call me at my office a few hours before he was illegally taken into custody by an armed Waterford policeman.

Executed this ___th day of February, 1987, with intent and willingness to submit to depositional* standards for falsehood.

(signed) A.W.A.

George Harris, (914) 279-1616

Prepared: A. Winslowet-Alps
P.O. Box 613
Armonk, New York 10504
(914) 278-3078

*Foresaking all others

( ) additional relevant information contained in attached page(s), each individually notarized.

*Not sure this was who he said he was -- voice was barely audible. (s)GH

Witness, his signature, and he signed.

Today's date 7/28/87 (some time after).

UNITED STATES DISTRICT COURT

DISTRICT OF CONNETICUT

ALDIN WINSLOWET-ALPS, Plaintiff)

v.)

Civil No. H-86-906)

WILLIAM EDMONSTONE, M.D., Defendant)

RULING AND ORDER

The pro se plaintiff brings this action, alleging that "the principle of Freedom" has been violated when he was detained for an unspecified reason on September 10, 1985. He claims* that the defendant is a physician at Lawrence Memorial Hospital in New London, Connecticut. He alleges that the defendant has somehow treated him, but otherwise makes no allegations which specify his rela-

*Origin seems to have disappeared, but I do not think Judge Nevas wrote this.

tionship with the defendant. He does not allege facts which indicate that the defendant has in any way violated his rights. For the reasons set forth below, this complaint is DISMISSED.

This complaint is dismissed because it fails to comply with Rule 8(a) of the Federal Rules of Civil Procedure. Rule 8(a) requires a complaint to make a "short and plain statement of the claim showing that the pleader is entitled to relief." Complaints which do not comply with this rule are subject to dismissal under Fed. R. Civ. P. 12(b)(6). Chodos v. F.B.I., 559 F. Supp. 69, 75 (S.D.N.Y.), aff'd mem., 697 F.2d 289 (2d Cir. 1982). Although pro se complaints must be accorded a close and sympathetic reading, courts have dismissed pro se complaints which needlessly ramble, speculate, accuse and condemn, Prezzi v. Berzak, 57 F.R.D. 149, 151 (S.D.N.Y.

1972), or which contain an "untidy assortment of claims that are neither plainly or concisely stated, nor meaningfully distinguished from bold conclusions, sharp harangues, and personal comments." Brown v. Califano, 75 F.R.D. 497, 499 (D.D.C. 1977).

This clearly describes the instant complaint. It contains nothing but incoherent statements which defy comprehension. "It is well settled in this circuit that a complaint consisting of nothing more than naked assertions, and setting forth no facts upon which a court could find a violation of the Civil Rights Act, fails to state a claim under Rule 12(b)(6)." Martin v. New York State Department of Mental Hygiene, 588 F.2d 371, 372 (2d Cir. 1978).

The plaintiff's complaint is DISMISSED without prejudice for failure to state a

claim upon which relief can be granted. Fed. R. Civ. P. 12(b)(6). The plaintiff has fifteen (15) days from the date of this ruling in which to file an amended complaint which clearly sets forth his claim.

SO ORDERED.

Dated at Hartford, Connecticut, this 30th day September, 1986.

(SIGNED) A.W.A.

ALAN H. NEVAS
UNITED STATES DISTRICT JUDGE

DISTRICT COURT DECISIONS

We would like to make mention of Motions that were denied by the District Court signed by Judge Nevas:

Motion for Default Judgment and/or bifuracation of issues, partial
October 15, 1986

Motion for Extension of Time
October 17, 1986

Motion for Appointment of Counsel
October 17, 1986

Motion for Bifurcation

These dates might be on other side of 15th. A.W.A.

TWO RELATED SUITS OF MINE

vs PATRICK LEE

vs JUDGE ADAMI

There was a suit brought against Patrick Lee, the Court appointed psychiatrist in which District Court decision was not appealed.

We would like to submit this statement so that the court has a perspective of the litagatory history of these matters and also to present the full documents at a later time.

There was also a suit brought against the Probate Judge and maybe L&M Hospital.

FOR SUPREME COURT SUIT

ALDIN WINSLOWET-ALPS
(914) 273-1616
(914) 279-3078
P.O. Box 613
Armonk, New York 10405

July 31, 1987 Aldin Winslowet-Alps pro se, B.S. Yale, 1960.

Nortary required -- waived in this instance.

UNITED STATES COURT OF APPEALS
for the
SECOND CIRCUIT

At a stated Term of the United States Court of Appeals for the Second Circuit, held at the United States Courthouse in the City of New York, on the thirtieth day of April, one thousand nine hundred and eighty-seven.

Present: HON. THOMAS J. MESKILL,
HON. JON O. NEWMAN,
CIRCUIT JUDGES,
HON. M. JOSEPH BLUMENFELD,
DISTRICT JUDGE

ALDIN WINSLOWET-ALPS,	)	
	)	
Plaintiff-Appellant,	)	
	)	
	)	NO. 86-7992
v.	)	
	)	
WILLIAM EDMONSTONE, M.D. Individually and Officially	)	
	)	
Defendent-Appellee.	)	

A petition for rehearing having been filed herein by Plaintiff-Appellant, Aldin Winslowet-Alps, pro se,

Upon consideration thereof, it is ORDERED that said petition be and it hereby is denied.

(SIGNED) A.W.A.

Elaine B. Goldsmith,
Clerk

FILED, DATE STAMPED: APRIL 30, 1987

Also, there was "earlier summary order."

UNITED STATES COURT OF APPEALS
for the
SECOND CIRCUIT

ALDIN WINSLOWET-ALPS,	)	NOTICE OF
	)	MOTION
v.	)	REHEARING IN
	)	USCA & USDC
WILLIAM EDMONSTONE, M.D.	)	

Motion By: Aldin Winslowet-Alps, pro se
evenings (914) 279 -3078

Opposing Counsel: 1. Lawrence & Memorial Hospital, and
2. William Edmonstonee
New London, CT

Has consent of opposing counsel:		
A. been sought?	**Yes**	**No**
B. been obtained?	**Yes**	**No**
Has service been effected?	**Yes**	**No**
Is oral argument desired?	**Yes**	**No**
(Substantive motions only)		
Requested return date:		
(See Second Circuit Rule 27(b))		
Has argument date of appeal been set:		
A. by scheduling order?	**Yes**	**No**
B. by firm date of argument notice?	**Yes**	**No**
C. If yes, enter date:_____		

EMERGENCY MOTIONS MOTIONS FOR STAYS & INJUNCTIONS PENDING APPEAL

Has request for relief been made below?	**Yes**	**No**
(See F.R.A.P. Rule 8)		
Would expedited appeal eliminate need for this motion?	**Yes**	**No**
If no, explain why not:	**Yes**	**No**

Judge or agency whose order is being appealed:

USDC NEVAS USCA Judges Blumenfeld, Meskill, and Newman

Brief statement of the relief requested:

I wish the case remanded, (temporarily) back to USDC court for the purpose of supply various causes of action, to present additional evidence

Complete Page 2 of This Form

By: (Signature or attorney)
Appearing for: (Name of Party

Appellant or Petitioner:
Plaintiff Defendant
Appellee or Respondent:
Plaintiff Defendant

(SIGNED) A.W.A.

Signed name must be printed beneath
Aldin Winslowet-Alps

March 14, 1987
Date

ORDER
Kindly leave this space blank

IT IS HEREBY ORDERED that the motion be and it hereby is granted denied

_____

_____

_____ _____
Date **Circuit Judge**

WINSLOWET-ALPS

v.

EDMONSTONE

Previous requests for similar relief and disposition:

There has been no request for a rehearing in the USCA for the below items. An item was included in the March 10th term to have the case remded back to the United States District Court. This issue was not mentioned, possibly because it was out of time or maybe because of the overuling issue of "cause of action."

Statement of the issue(s) presented by this motion:

I contend that the following Constitutional issues and Federal Statutes have been violated: 1) "The right to petition for a writ of habeas corpus, shall only be denied..." Article 1, Section 9;
2) Amendment 1 - "cannot establish a

religion or deny the free exercise thereof; 3) Amendment I, "there can be no denial of the right to petition the government for redress; 4) Amendment IV, search and seizure only legal with probable cause and order; 5) Amendment V, life, liberty, and pursuit of happiness only denial by due process; 6) (Miranda v. Arizona 34 US 436 (informed consent)); and, 7) Rowe v. Wade - privacy 410 US 436.

Brief statement of the facts (with page references to the moving papers):

1) The right to petition for habeas was continually denied after repeated requests while I was in seclusion, the latter without justification. 2) As a result of the action of L&H, I was physically forced into group therapy and an attempt to keep me there by chemical injections and for most of the time there, I was locked up. 3) I was denied

the right to petition for redress adequately. There was funny business with the writ of habeas corpus which went out about a month later. Life, liberty, and pursuit of happiness was denied without due process.

Summary of the argument (with page references to the moving papers):

The USCA 2nd hearing of the 10th of March, 1987 states that there is no cause of action for 86-7992 from USDC H 86-906 (Judge Nevas) I contend that I was reasonably blocked from presenting causes of action by virtue of procedural technicalities and the fact of no counsel. I requested a hearing in USDA in an attempt to obtain an order reopening the case in a USDC, so as to be able to have the above issues justly resolved.

Miranda, generally provides for informed consent. There was no information given and there was no consent.

Row v. Wade provides for individual autonomy as long as life or society is not endangered. My autonomy was denied and it was never even suggested that I was homocidal or suicidal.

Dr. William Edmonstone and Lawrence and Memorial Hospital performed a series of illegal actions showed a series of illegal actions which continued and culminated the psychiatric actions of the past twenty-five years and so, in this case they are responsible.

UNITED STATES COURT OF APPEALS
for the
SECOND CIRCUIT

At a stated Term of the United States Court of Appeals for the Second Circuit, held at the United Sates Courthouse in the City of New York, on the tenth day of March, one thousand nine hundred and eighty-seven.

Present: HON. THOMAS J. MESKILL,
HON. JON O. NEWMAN,
CIRCUIT JUDGES,
HON. M. JOSEPH BLUMENFELD,*
DISTRICT JUDGE

ALDIN WINSLOWET-ALPS, Plaintiff-Appellant, v. WILLIAM EDMONSTONE, M.D. Individually and Officially Defendent-Appellee.	NO. 86-7992

*Honorable M. Joseph Blumenfeld, United States District Judge for the District of Connecticut, sitting by designation.

Appeal from a judgment of the United States District Court, District of Connecticut, Nevas, J., dismissing the complaint.

This cause came on to be heard on the transcript of record from said district court and was argued by the appellant pro se.

The judgment of the district court is AFFIRMED.

Plaintiff's complaint is incomprehensible and fails to state a claim upon which relief can be granted and, therefore, was properly dismissed pursuant to Fed. R. Civ. P. 12(b)(6).

Thomas J. Meskill, U.S.C.J.

Jon O. Newman, U.S.C.J.

M. Joseph Blumenfeld, U.S.D.J.

N.B. Since this statement does not constitute a formal opinion of this court and it is not uniformly available to all parties, it shall not be reported, cited or otherwise used in unrelated cases before this or any other court.

FILED STAMPED MARCH 10, 1987.

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(914) 279-3078

I have reading problems
+ typist made errors
a W. Winslowet-Alps
Aug 25 87